

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

|   |   |                                 |
|---|---|---------------------------------|
| <b>AMELIA BRYANT,</b>                   | ) |                                 |
|   | ) |                                 |
| <b>Plaintiff,</b>                       | ) |                                 |
|   | ) | <b>NO. 3:18-cv-00506</b>        |
| <b>v.</b>                               | ) |                                 |
|   | ) | <b>JUDGE CAMPBELL</b>           |
| <b>ANDREW M. SAUL,</b>                  | ) |                                 |
| <i>Commissioner of Social Security,</i> | ) | <b>MAGISTRATE JUDGE NEWBERN</b> |
|   | ) |                                 |
| <b>Defendant.</b>                       | ) |                                 |

**MEMORANDUM OPINION AND ORDER**

On May 30, 2018, Plaintiff filed a complaint seeking review of the Social Security Administration's decision denying her disability insurance benefits. (Doc. No. 1.) The Administration filed a motion to dismiss (Doc. No. 11), arguing that Plaintiff's appeal is untimely. The Administration submitted several documents as evidence of the untimeliness of the appeal. (See Decl. of Janay Podraza with exhibits, Doc. No. 13.) Because the motion included matters outside the pleadings, the Magistrate Judge construed the motion as one for summary judgment under Rule 56 and allowed the parties to file additional evidentiary materials. Plaintiff filed a response in opposition to the motion but the response did not address the Administration's argument that this action was barred by the statute of limitations. (Doc. No. 24.)

The Magistrate Judge found the appeal untimely filed and recommended the Court GRANT the Motion to Dismiss. (Doc. No. 25.) Plaintiff filed objections to the Report and Recommendation. (Doc. No. 26.) The Administration filed a response to Plaintiff's objections. (Doc. No. 27.)


The district court reviews *de novo* any portion of a report and recommendation to which a specific objection is made. Fed. R. Civ. P. 72(b)(1)(C); Local Rule 72.02; 28 U.S.C. §

636(b)(1)(C); *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). General or conclusory objections are insufficient. *See Zimmerman v. Cason*, 354 F. App'x 228, 230 (6th Cir. 2009). Thus, “only those specific objections to the magistrate’s report made to the district court will be preserved for appellate review.” *Id.* (quoting *Smith v. Detroit Fed’n of Teachers*, 829 F.2d 1370, 1373 (6th Cir. 1987)). In conducting the review, the court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3).

The Court finds that Plaintiff has not raised specific objections to the Magistrate Judge’s Report and Recommendation. Plaintiff’s objections are not responsive to the issue of dismissal of her case due to late filing, but instead focus on her health issues in general. Having conducted a *de novo* review of the Magistrate Judge’s determinations and absent objections to the substance of the Report and Recommendation, the Court concludes the Report and Recommendation should be adopted. Accordingly, the Administration’s Motion to Dismiss (Doc. No. 11) is **GRANTED**.

This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

It is so **ORDERED**.

  
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WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE